

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**SPECIAL CIVIL APPLICATION No. 7572 of 1999****For Approval and Signature:****HONOURABLE MR.JUSTICE M.R. SHAH**

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- Whether Reporters of Local Papers
1 may be allowed to see the
judgment ?
- 2 To be referred to the Reporter or
not ?
- 3 Whether their Lordships wish to see
the fair copy of the judgment ?
- Whether this case involves a
substantial question of law as to
4 the interpretation of the
constitution of India, 1950 or any
order made thereunder ?
- 5 Whether it is to be circulated to
the civil judge ?
- =====

VIRAMBHAI JAKSHIBHAI RABARI - Petitioner(s)**Versus****AEC & 1 - Respondent(s)****Appearance :**

MR DIPAK R DAVE for Petitioner(s) : 1,
MR KB PUJARA for Respondent(s) : 1,
RULE SERVED for Respondent(s) : 2,

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 18/01/2006

ORAL JUDGMENT

1. By way of this petition under Article 226 of the Constitution of India, the petitioner has prayed for appropriate writ, order and/or directions directing the respondent No.1 - Ahmedabad Electricity Company to give immediate power connection to the petitioner for agricultural purpose.

2. It was the contention of the petitioner that though the petitioner deposited an amount of Rs.1,19,225=00 towards the probable expenses for electricity connection for agricultural purpose as back as on 13/5/1992, the electricity connection was not given and therefore, the petitioner has approached this Court for the aforesaid reliefs.

3. This Court vide order dtd.30/9/1999, has passed the following interim order;

“Learned counsel for the petitioner states that the petitioner has received a voucher along with letter dated 29.3.1999 (Annexure-I to the petition) but the petitioner has not encashed the same nor is the petitioner interested in taking back the money as the petitioner wants electricity supply for the agricultural fields. Learned counsel for the petitioner states that G.E.B. has given No Objection Certificate dated 28/1/1991 (Annexure-D) to the petition) stating that it had no objection to A.E.C. Supplying the electricity to the petitioner for agricultural purposes at Survey No.428/2 at village Nikhol. Learned counsel for the petitioner also points out that A.E.C. is also supplying electricity to Jivaji Mohanji

Thakore having his land in Survey No.438/1 and also to I.B. Model Farm for agricultural purpose.

In view of the above, RULE. Ad interim relief in terms of para 7(B) which shall come into effect from 25.10.1999 and on the petitioner complying with other terms and conditions requisite for getting the electricity supply from A.E.C. The amount of Rs.1,19,225 already paid by the petitioner shall be adjusted against any dues which shall be payable by the petitioner for getting the electricity supply.

In case the respondents are aggrieved by this ex parte mandatory order, it will be open to the respondents to move this Court within three weeks from the date of service of this order. Direct service is permitted."

4. It is reported that in pursuance of the ad interim relief granted by this Court, the

petitioner is already given electricity connection for agricultural purpose and therefore, the said grievance does not survive.

5. Mr.Dipak Dave, learned advocate appearing on behalf of the petitioner has submitted that the petitioner has also prayed for the compensation for not giving electricity connection for six years and the petitioner has suffered loss.

6. Mr.Pujara, learned advocate appearing on behalf of the respondent No.1 has submitted that there were justifiable reasons for not giving electricity connection to the petitioner, as the petitioner did not comply with the requirements.

7. So far as the aforesaid relief is concerned, this Court does not propose to go into the same, as the same involves disputed question

of facts and is not required to be considered by this Court in exercise of the powers under Article 226 of the Constitution of India. It will be open for the petitioner to approach the appropriate forum for the said relief and/or any other relief and the same can be dealt with in accordance with law and on merits. However, this Court is not expressing any opinion on the merits of the same.

8. In view of the fact that the petitioner is given electricity connection pursuant to the ad-interim relief granted by this Court, the same may be continued and so far as that relief is concerned, final order in terms of said ad-interim order. The present petition is allowed to the aforesaid extent. Rule is made absolute to the aforesaid extent.

(M.R.SHAH, J.)

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